

### **Statement under 37 CFR 1.111**

37 CFR 1.111 requires that the basis for amendments to the claims be pointed out after consideration of the references cited or the objections made. 37 CFR 1.111 states in part that:

In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections.

The Assignee notes that this requirement is not relevant to the instant application because there are no references, rejections or objections to avoid. Having said that, the Assignee notes that one of the primary reasons the prior set of claims were cancelled was that claims similar to the prior set of claims have already been added to application 10/746,673. Another reason was to put the application in final form for allowance and issue.

### **REMARKS**

The Assignee hereby explicitly reserves the right to present the canceled and modified claims for re-examination in their original format. The cancellation and/or modification of the pending claims to put the instant application in a final form for allowance and issue is not to be construed as a surrender of subject matters covered by the original claims before their modification or cancellation.

The Assignee respectfully requests consideration of the present application as amended herewith.

Respectfully submitted,  
Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President  
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